

# **Exhibit 1**



# GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

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## PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED MISCONDUCT (PROCEDURES)

Revised September 1, 2015

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*This Policy and the accompanying Procedures are intended to comply with Title IX guidance issued by the White House Task Force to Protect Students from Sexual Assault and the Department of Education’s Office for Civil Rights and the requirements of the Campus SaVE Act. The Policy and Procedures have been prepared by University administration and reviewed by the President’s Advisory Committee on Sexual Assault (PACSA), and with extensive input from students, faculty, and administrators. The policy was updated on October 15, 2015 with minor corrections and clarifications. Comments and questions, which are always welcome, may be directed to [studentconduct@columbia.edu](mailto:studentconduct@columbia.edu).*

# INTRODUCTION

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Columbia University, Barnard College, and Teachers College<sup>1, 2</sup> are committed to fostering an environment that is free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, diligently investigate reports of misconduct, support victims, and deal fairly and firmly with students who violate University policy. In addressing issues of gender-based misconduct, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.

Through this Gender-Based Misconduct Policy and accompanying Procedures, the University defines gender-based misconduct and sets forth its procedures for addressing gender-based misconduct involving students. The Policy and Procedures are designed to reflect the University's commitment to a safe and non-discriminatory educational environment, consistent with Title IX, the Violence Against Women Act, and the New York Education Law.

Here are several important points about gender-based misconduct that the Policy addresses:

- Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature.
- Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, domestic violence, and dating violence are all forms of gender-based misconduct.

- Gender-based misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship.
- Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender.

Most fundamentally, the University does not tolerate any form of gender-based misconduct. Students who experience gender-based misconduct can bring claims in the process set out below. Those found responsible will be sanctioned in accordance with this Policy. Students who experience gender-based misconduct can also pursue criminal and civil processes, in addition to or instead of the University's process under this Policy.

This Policy and accompanying Procedures are part of the University's multifaceted approach toward eliminating gender-based misconduct from our community, which includes: (1) educational programs; (2) services and resources for those affected by gender-based misconduct; (3) accessible, prompt, and fair methods of investigation and resolution of reports of misconduct; and (4) protections designed to prevent against recurrence.

The Policy first specifies prohibited conduct and provides illustrative scenarios, which may be helpful in understanding the Policy's scope. It then describes available resources and reporting options, and explains whether and to what extent interactions with various resources are confidential. Finally, the Policy discusses measures and accommodations that may be available in particular cases to support and assist students. The Procedures spell out the investigation, hearing, and sanc-

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<sup>1</sup> For the purposes of this Policy and the Procedures, the term "University" includes Columbia University and Teachers College. As indicated in the Scope of Policies and Procedures below, when a Barnard student is a Respondent, Barnard Policies and Procedures apply. In cases where a Barnard student is the Complainant and a Columbia or Teachers College student is the Respondent, Columbia's Gender-Based Misconduct Policy and Procedures apply. Barnard College's Policy and Procedures can be found at <http://barnard.edu/doc/titleix>.

<sup>2</sup> When describing just one of the institutions, the names Columbia, Barnard, and Teachers College are used.

tioning process for matters in which students are accused of misconduct, as well as the rights of students in connection with the process. The very last section includes the New York State Students' Bill of Rights and a comprehensive listing of resources available to students affected by gender-based misconduct, including phone numbers, campus locations and websites.

**Nothing in the Policy or the Procedures shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.**

## Scope of the Policy and Procedures

This Policy governs gender-based misconduct involving students<sup>3</sup> that: (1) occurs on any University campus or in connection with University programs or activities; (2) creates a hostile environment for University students; or (3) involves a Respondent (a person accused of gender-based misconduct) who is a current undergraduate, graduate, or professional student at the University. The Policy applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, religion, pregnancy, predisposing genetic characteristics, military status, criminal convictions, domestic violence status, familial status, or other protected status.<sup>4</sup>

The accompanying Procedures describe the investigation and disciplinary process that applies when the Respondent is a current undergraduate, graduate, or professional student at the University, including students on leave. If the Respondent is affiliated with the University, but is not a University student, different procedures apply to the investigation and disciplinary process as described here:

- If the Respondent is a Columbia employee or other person doing business with Columbia, the investigation and disciplinary processes described in Columbia's Employment Policies and Procedures on Discrimination and Harassment (eoaa.columbia.edu) apply.

- If the Respondent is a Barnard student, Barnard employee, or other person doing business with Barnard College, the investigation and disciplinary processes described in the Barnard College Title IX Grievance Procedures for Sexual and Gender-based Misconduct (<http://barnard.edu/doc/titleix>) apply.
- If the Respondent is a Teachers College employee or other person doing business with Teachers College, the investigation and disciplinary processes described in the Teachers College Policy on the Protection from Harassment ([www.tc.edu/titleix](http://www.tc.edu/titleix)) apply.

The University's Gender-Based Misconduct Office<sup>5</sup> ("the Office") serves as the central point of contact for all University students affected by gender-based misconduct. Students of Barnard and Teachers College may contact the Office directly or through the Title IX Coordinator at their school.

**Note: While this Policy and the Procedures identify the University office or employee who will typically perform certain roles or duties, the University may designate other University offices or employees to perform any roles or duties described in the Policy or Procedures.**

<sup>3</sup> While gender-based misconduct is prohibited in all University programs and activities, this Policy does not cover elementary or secondary school students in University programs.

<sup>4</sup>For the purposes of this policy, references to *he/she* also include *they* and any other preferred pronouns. This policy pertains to any reports made after September 1, 2015, regardless of when the incident occurred.

<sup>5</sup> The University's Gender-Based Misconduct Office is part of the University's Student Conduct and Community Standards Office.

# GENDER-BASED MISCONDUCT POLICY FOR STUDENTS ("POLICY")

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## PROHIBITED CONDUCT

Gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. This misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. One form of prohibited conduct can occur separately from or simultaneously with another form of prohibited conduct.

Before turning to the definitions of prohibited conduct, here is important information about consent, non-consensual activity, and gender-based misconduct.

**Consensual sexual activity requires a knowing, voluntary and mutual decision among all participants involved. Any non-consensual sexual activity is gender-based misconduct.**

More specifically:

- o Sexual activity that is coerced or forced is not consensual.
- o A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly restrained.
- o A sleeping or unconscious person cannot give consent.
- o The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.

## DEFINITIONS OF GENDER-BASED MISCONDUCT

- **Sexual Assault: Intercourse.** Any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's affirmative consent; and oral copulation (mouth to genital contact or genital to mouth contact) without a person's affirmative consent.
- **Sexual Assault: Contact.** Any intentional sexual touching, without a person's affirmative consent. Intentional sexual touching includes contact, under or over clothing, with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts under or over clothing; and the emission of ejaculate on the clothing or body of another person without that person's consent.
- **Domestic Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Domestic violence can be a single act or a pattern of behavior in relationships.
- **Dating Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize,

coerce, threaten, or physically injure someone. Dating violence can be a single act or a pattern of behavior in relationships.

▪ **Sexual Exploitation.** Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose. Examples of sexual exploitation may include, but are not limited to: observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and affirmative consent of all participants; non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and affirmative consent of all participants; exposing one's genitals in non-consensual circumstances; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

▪ **Stalking.** A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group and that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including lying in wait for, monitoring, and/or pursuing contact. Stalking may occur in person or through communications such as telephone calls, text messages, unwanted gifts, letters, e-mails, surveillance, or other types of observation.

▪ **Sexual Harassment.** Unwelcome sexual advances, requests for sexual contact, and other verbal, physical, or visual conduct of a sexual nature constitutes sexual harassment when:

- o Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic, co-curricular, or campus life activities
- o Submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual
- o Such conduct is intentional, serves no legitimate purpose, and involves contact with parts of another individual's body that may cause that person to feel degraded or abused
- o When the behavior is for the purpose of gratifying the actor's sexual desire
- o Such conduct has the effect of unreasonably interfering

with another person's academic performance or creating an intimidating, hostile, demeaning, or offensive campus or living environment

▪ **Gender-based Harassment.** Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping constitute gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with another person's education or participation in educational programs or activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

▪ **Retaliation.** Any adverse action or threatened action, taken or made, personally or through a third party, against someone who has filed a gender-based misconduct complaint (a Complainant) or has been the subject of a gender-based misconduct complaint (a Respondent) or any other individual who engages with the Office.

o All individuals and groups of individuals, not just a Respondent or Complainant, are prohibited from engaging in retaliation.

o Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy, such as seeking services; receiving protective measures and accommodations; reporting gender-based misconduct; and/or participating in an investigation or adjudication.

o Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of gender-based misconduct under this Policy.

o This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

Here are some examples of conduct that could constitute gender-based misconduct under the definitions just discussed:

- Coercion for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Use of unwanted force in connection with sexual activity or attempted sexual activity
- Sexual contact with a person who has not clearly consented
- Unwelcome remarks about a person's genitals, including breasts
- Belittling remarks about a person's gender or sexual orientation based on gender stereotypes
- Videotaping or photographing of activity of a sexual or private nature without the consent of the person(s) being videotaped or photographed
- Graffiti concerning the sexual activity of another person
- Use of e-mail, the Internet, or other forms of digital media to facilitate any of the conduct listed above

## Important Related Concepts

The definitions that follow provide additional guidance regarding the conduct this Policy prohibits:

- **Affirmative Consent.** Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity.
  - o Consent can be given by words or actions, as long as those words or actions express willingness to engage in the sexual contact or activity. It is important not to make assumptions. If there is confusion or ambiguity, participants in sexual activity need to stop and verbally clarify each person's willingness to continue.
  - o Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, coercion, or from a person who is incapacitated.
  - o Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
  - o Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.

- o Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and verbally clarifies the other's willingness to continue engaging in the sexual contact or activity.

- o Consent may be initially given, but can be withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

- o Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.

- o The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

- **Force.** Force refers to the use of physical violence and/or imposing on someone physically to gain sexual access. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

- o **Intimidation.** Any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.

- o **Coercion.** Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual contact.

- **Incapacitation.** Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person who is incapacitated cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision.

- o Incapacitation may be associated with a person's lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness.

- Under New York State law, a person under the age of 17 lacks the capacity to give consent.



o Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

▪ **How drugs and alcohol affect consent:**

- The impact of alcohol and other drugs varies from person to person. Warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use may include, but are not limited to slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility.
- Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given.

o Whether sexual activity with an incapacitated person constitutes gender-based misconduct may depend on whether the Respondent knew or should have known of the Complainant's incapacitation, based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the Respondent's position.

o Being intoxicated, impaired, or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone's responsibility to obtain informed and freely given consent.

o The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.

▪ **Hostile Environment.** A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening, or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

o In evaluating a hostile environment, the University will consider the totality of the known circumstances, including but not limited to:

- The frequency, nature and severity of the conduct

- Whether the conduct was physically threatening
- The effect of the conduct on the Complainant's mental or emotional state
- Whether the conduct was directed at more than one person
- Whether the conduct arose in the context of other discriminatory conduct
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities

▪ **Complainant.** The person making the allegation(s) of gender-based misconduct.

▪ **Respondent.** The person alleged to have committed gender-based misconduct.

▪ **Party.** Complainants and Respondents are sometimes referred to as parties. (A "party" is someone who is directly involved in a proceeding.) Others, such as witnesses and advisors, are not considered parties.

## Scenarios

These scenarios help illustrate some applications of the Policy.

▪ Pat and Dana met at a party. They spent the entire party getting to know each other and dancing. Dana had four shots of tequila and four beers over the course of the evening. At one point, Dana went to the bathroom. Pat noticed that Dana staggered upon returning from the bathroom. Dana's friend informed Pat that Dana had been vomiting. Pat volunteered to take Dana home. When they arrived at Dana's dorm room, Pat began kissing Dana and proceeded to have sexual intercourse with Dana. Upon waking up in the morning, Dana asked Pat what happened that evening. Pat told Dana that they had sex and that Dana had asked to have sex. Dana began crying and said, "I didn't want to have sex with you." *This is a violation of this Policy. A reasonable person could have concluded that Dana was incapacitated due to Dana's alcohol use because Pat saw Dana stumbling and knew Dana had vomited in the bathroom. Dana was therefore not able to give consent.*

▪ Taylor and Hong have been dating for a few months. On several occasions, Taylor and Hong have engaged in consensual sexual intercourse. One night, Hong and Taylor were making

out when Hong said, “I don’t feel like having sex tonight.” Taylor continued to kiss Hong and took off Hong’s clothing despite Hong’s verbal and physical objections. Eventually, Hong became silent and submitted to Taylor’s insistence to have sex. *This is a violation of this Policy. Hong objected to having sex and Taylor ignored these objections. Although Taylor and Hong have previously had consensual sexual intercourse, Hong did not consent to sexual activity on this particular evening. In addition, silence does not imply consent.*

- Peyton and Jordan were in the hallway of their residence hall with a group of their neighbors on the floor, joking around and telling stories. Peyton placed her arms around Jordan’s waist as they continued their conversation and then touched Jordan’s breasts. Jordan removed Peyton’s hands from her body. A few minutes later, Peyton stated she did not understand why Jordan was making such a big deal about Peyton touching her. *This is a violation of this Policy. Peyton had not obtained Jordan’s affirmative consent and, as such, this behavior constitutes intentional, nonconsensual physical contact of a sexual nature.*
- Kai and Lee met at an off campus location and quickly realized they were both Columbia students. Lee asked Kai for his number and suggested that they meet for lunch on campus. A few hours later, Lee began to call and text Kai, asking Kai out on a date. Kai told Lee that he is not interested and did not want to date him. Lee found out Kai’s campus address and began to deliver cards and flowers to Kai’s room. One day, Lee waited for Kai outside of his class to invite him to dinner. Kai was very clear in telling Lee to leave him alone and to stop visiting his dorm or going to his classes. *This is a violation of this Policy. Kai declined Lee’s multiple requests to go on a date. Additionally, Kai explicitly asked Lee to leave him alone and to stop visiting his dorm. This behavior constitutes stalking.*
- Melissa and Joe are married and live in off-campus housing. After a stressful meeting with his advisor concerning his PhD dissertation, Joe came back to the apartment and berated Melissa about the apartment being messy. Joe grabbed the dinner that Melissa ordered and threw it in her direction, though he did not hit her. When Melissa tried to leave the apartment, Joe grabbed her by the wrist. In the struggle to get away from Joe, Melissa fell and hit her head on the table. *This is a violation of this Policy. Any use of physical force or emotional abuse and/or behavior toward a spouse that results in*

*physical injury constitutes domestic violence.*

- Bette and Tina had been dating for a few months. Tina, an aspiring photographer, asked Bette to pose in the nude for her portfolio. Bette and Tina got into an argument regarding Tina’s photography. Shortly after they broke up, a mutual friend informed Bette that Tina had posted Bette’s nude photographs on Facebook. This is a violation of this Policy. *The use and distribution of photographs of another person’s unclothed body or body parts, without permission, regardless of whether they originally consented, is sexual exploitation.*

## RESOURCES FOR STUDENTS

### IMMEDIATE ASSISTANCE

The University encourages all students affected by gender-based misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure a student’s physical safety or to obtain medical care, emotional support, or other support; it may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available twenty-four hours a day, seven days a week. The Resources listing at the end of this document provides contact information for the campus and community resources available to help.

### CONFIDENTIALITY/MANDATORY REPORTING

The University values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. Federal and state laws, however, impose reporting obligations on University employees, including faculty and staff that, in some circumstances, can require certain personnel to share information from a report of gender-based misconduct with government authorities, University Public Safety, or others at the University. The attached Resources listing includes a chart summarizing the confidentiality obligations of different categories of University employees with respect to reports of gender-based misconduct.

Even when University employees have an obligation to report to others, which means their office is described as “non-confiden-

tial” under this Policy, they will protect and respect students’ privacy to the greatest extent possible and share information only on a need-to-know basis. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator and/or the Gender-Based Misconduct Office to investigate and/or seek a resolution. Any of the staff listed as Resources will be able to explain his or her reporting obligations in more detail.

## Confidential Resources

### ADVOCACY, COUNSELING SERVICES, AND HEALTHCARE PROVIDERS

The University provides confidential advocacy, crisis and pastoral counseling, and medical services on campus. Advocates, counselors, clergy, and healthcare providers can provide students with immediate and long-term help. Conversations with them are confidential, except as described in the Resources listing following the Procedures.

They will listen, help access additional assistance, and explain options for obtaining additional support from the University and others. They can also arrange for medical care and accompany students, or arrange for someone to accompany students, to seek such care. Students may use these resources whether or not they decide to make a report or complaint or participate in University disciplinary proceedings or the criminal process.

These advocates, counselors, clergy, and healthcare providers are familiar with the University’s disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending.

## Additional Resources (Non-Confidential)

### GENDER-BASED MISCONDUCT OFFICE

The University has established the Gender-Based Misconduct Office to support and provide assistance to students affected by gender-based misconduct. The Office does not act as an advocate, but is a neutral resource available to all students. The Office is responsible for referring students to available resources, offering appropriate protections, and coordinating the disciplinary process. The Office can provide support and assistance immediately following an incident, throughout

the investigation and disciplinary process and throughout a student’s time at the University. Contact information for the Gender-Based Misconduct Office is in the Resources listing following the Procedures.

Each complainant and respondent who engages with the Gender-Based Misconduct Office will be assigned a respective Case Manager. This person works within the Gender-Based Misconduct Office and serves as a resource to the student as it relates to this policy. Further, the Case Manager may assist students seeking accommodations through the office, including cases where a complainant chooses not to engage in the discipline process and when the respondent is not affiliated with the University.

### TITLE IX COORDINATORS

The Title IX Coordinators for Columbia and Teachers College are responsible for overseeing the University’s response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinators oversee the administration of this Policy and the Procedures in a neutral and equitable manner. Title IX coordinators from Barnard, Columbia, and Teachers College will work collaboratively when students from different institutions are involved in the process. Contact information for the Title IX Coordinators is in the Resource listing following the Procedures.

### LAW ENFORCEMENT

Students may report gender-based misconduct to the New York City Police Department, the Manhattan District Attorney’s Office, or the local law enforcement agency where the misconduct occurred if the misconduct occurred outside of New York City. The University and criminal justice systems work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy has occurred, and the criminal justice system uses different standards related to proof and evidence. Any questions about whether a specific incident violated the penal law should be addressed to law enforcement.

The University’s Public Safety personnel and the other resources in the Resources listing are familiar with New York City and New York State law enforcement processes and can explain what happens when gender-based or sexual misconduct is reported to law enforcement.

SVR is required to provide reporting information under New York State law in order to maintain certification. SVR staff participates in regular training, and SVR advocates are able to be present during investigative interviews with survivors as a client's support person or advocate.

Confidential support resources, the Gender-Based Misconduct Office and University Public Safety can explain how to report sexual assault and other forms of gender-based misconduct to law enforcement.

Confidential support resources or University Public Safety personnel can accompany any student requesting support to the Police Department or District Attorney's Office. They cannot serve as a substitute for legal advice on these matters.

### Reporting Gender-Based Misconduct

The University encourages students to report gender-based misconduct to the Gender-Based Misconduct Office so that the University can investigate and respond effectively. Students may meet with the Office staff to learn more about the process before making a report.

The University recognizes that students may be most comfortable disclosing gender-based misconduct to a University employee they know well, such as a faculty member, coach, or resident advisor. Any University employee (other than the confidential resources identified in the Resources listing) who receives a report is required to inform the Office, directly or through a Title IX Coordinator, about the incident. The University will endeavor to follow up on any report it receives about possible gender-based misconduct, whether from a student, other member of the community, or an anonymous source.

Before a student reveals information, University employees will try to ensure that the student understands the employee's reporting obligations. For example, if the student wishes to maintain confidentiality, a non-confidential resource will direct the student to confidential resources, which will not report without the student's permission. A student may choose to make a full report or request confidentiality as he or she determines.

### REQUESTING CONFIDENTIALITY IN CONNECTION WITH A REPORT TO THE UNIVERSITY

A student who reports gender-based misconduct to the Office

can request that the Office not disclose his or her identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported misconduct, the Office, in consultation with the appropriate Title IX Coordinator(s), will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and will honor the request whenever possible. The Office will promptly notify the student making the request whether the University will be able to honor it.

Whether or not the University is able to grant a request to keep the student's identity confidential, University personnel will reveal information about investigations and disciplinary proceedings related to gender-based misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the University will take appropriate steps designed to counteract the effects of the alleged gender-based misconduct, prevent its recurrence, and make accommodations for the students involved. This may include academic, residential, and work accommodations, increased monitoring, supervision, or security at locations or in connection with activities where the alleged misconduct occurred, and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the University will take protective measures in consultation with the affected students.

### ACCOMMODATIONS AND INTERIM MEASURES

The University can provide accommodations and impose interim measures after a report has been filed.

### ACCOMMODATIONS

The Office will work with all students affected by gender-based misconduct to ensure their safety and promote their well-being. Sometimes this assistance will take the form of appropriate accommodations intended to support and provide relief.

Students may request accommodations even in cases where an investigation is not undertaken or either party has declined to participate in the University disciplinary proceeding or the criminal process.

The Office will evaluate any request for accommodations in light of the circumstances and information available at the time of the request. If requested accommodations cannot be granted, the

Office will provide an explanation, in writing, to the student.

Accommodations may include, but are not limited to

- o Moving a student's residence
- o Adjusting a student's work schedule for University employment
- o Changing a student's academic schedule
- o Allowing a student to withdraw from or retake a class without penalty
- o Providing access to tutoring or other academic support

The Office will also work with the relevant disability services office to assist students, as appropriate.

Students who are Complainants or Respondents may request a prompt and reasonable review of the need for and terms of any accommodation that directly affects them and may submit evidence in support of their request. Requests for review of the accommodations shall be submitted in writing to the Associate Vice President for Student Conduct and Community Standards.

A student who has experienced gender-based misconduct may also be entitled to obtain remedies under applicable law, such as an order of protection. The University can assist students in contacting law enforcement or legal service organizations to learn about these remedies.

## INTERIM MEASURES

The University may also take action through directives (known as "interim measures") to ensure the safety of all parties involved and to protect the integrity of a pending investigation or disciplinary process.

Interim measures include, but are not limited to:

- o "No contact" directives
- o Restricting a Respondent's access to campus buildings and/or University property
- o Moving a student's residence
- o Temporarily suspending a Respondent from the University
- o Temporarily suspending a Respondent from specified activities

Failure to comply with interim measures or other directives

is a violation of University policy and may lead to disciplinary action.

Following the report of an incident, the Office will provide written notice to the students involved in the incident, describing any necessary interim measures and the accommodations and resources available to them. The University will provide notice about these measures and accommodations only to those who need to know in order to make them effective.

Students who are Complainants or Respondents may request a prompt and reasonable review of the need for and terms of any interim measure that directly affects them and may submit evidence in support of their request. Requests for review of the interim measure shall be submitted in writing to the Associate Vice President for Student Conduct and Community Standards.

## OTHER INFORMATION ABOUT REPORTING

### TIME FOR REPORTING

The University does not limit the time for submitting a report of gender-based misconduct. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

### REPORTS FROM OTHERS AND ANONYMOUS REPORTS

In cases where gender-based misconduct is reported to the Office by someone (for example, a faculty member, resident advisor, friend or roommate) other than the student who was subjected to the alleged misconduct, the Office will promptly notify the student that a report has been received. This Policy and the Procedures will apply in the same manner as if the student had made the initial report. The Office will make every effort to meet with the student to discuss available options and on-campus and off-campus resources. Reports from anonymous sources will be treated in a similar fashion.

### RELATED ALCOHOL AND DRUG VIOLATIONS

The health and safety of every student at the University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault, occurs, may be hesitant to report such incidents due to fear of potential consequences for their own con-

duct. Because the University strongly encourages students to report gender-based misconduct, it has adopted the following policy: A student (including a bystander), acting in good faith, who discloses any incident of gender-based misconduct to a University employee or law enforcement will not be subject to disciplinary action for violations of alcohol and/or drug policies occurring at or near the time of the gender-based misconduct.

University community concerning reported incidents of gender-based misconduct and the results of student disciplinary proceedings. Such reports do not contain information identifying individual student participants.

#### **UNKNOWN/NON-UNIVERSITY OFFENDERS**

The University will, if possible, investigate reports of incidents affecting University students that involve persons who are not members of the University community or whose identity is not known and take appropriate actions to protect affected students and others in the University community. In addition, the Office will assist students in identifying appropriate campus and other resources.

#### **PUBLIC AWARENESS EVENTS**

The University supports public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. The disclosure of incidents of gender-based misconduct at such events is not considered a report to the University for purposes of triggering an investigation of a particular incident.

#### **REPORTING OF CRIME AND DISCIPLINARY STATISTICS**

A federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute gender-based misconduct under this Policy. As described in the chart in the Resources section at the back of the Policy, many employees who receive reports of gender-based misconduct are required by the Clery Act to notify University Public Safety about such incidents for statistical reporting purposes only; these notifications may include the classification and location of the reported crime but do not identify the students involved.

Additionally, as a matter of policy unrelated to the Clery Act, the University annually reports aggregate information to the



# PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED MISCONDUCT (PROCEDURES)

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Here you can find information about the University's disciplinary process for addressing alleged violations of the Gender-Based Misconduct Policy.

This section first describes students' rights in the investigation and disciplinary process and other important background information, including about privacy, advisors, and time frames. It then describes the disciplinary process in detail.

## Rights of the Complainant and Respondent

In order to provide accessible, prompt, and fair methods of investigation and resolution of incidents of student gender-based misconduct, the University has developed a process for investigation and adjudication of misconduct reports. Throughout this process, both the Complainant and the Respondent have the following rights:

- To respect, dignity, and sensitivity
- To appropriate support from the University
- To privacy to the extent possible consistent with applicable law and University policy
- To information about the University's Gender-Based Misconduct Policy and Procedures for Students
- To the presence of an advisor throughout the process
- To participate or to decline to participate in the investigation or hearing panel process (however, a decision not to participate in the process either wholly or in part will not prevent the process from proceeding with the information available)
- To a prompt and thorough investigation of the allegations

- To adequate time to review documents in the Office following the investigation
- To adequate time to prepare for a hearing
- To an opportunity to challenge investigator(s) or hearing/apellate panel member(s) for a possible conflict of interest
- To refrain from making self-incriminating statements
- To an appeal of the decision made by the hearing panel and of any sanctions imposed by the Sanctioning Officer
- To notification, in writing, of the case resolution, including the outcome of any appeal
- To report the incident to law enforcement at any time
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings

A handout that lists these rights will be provided to both the Complainant and the Respondent, along with the NYS Students' Bill of Rights, during each student's initial meeting with a Case Manager from the Gender-Based Misconduct Office.

## PRIVACY

The University will reveal information about its investigation and adjudication of gender-based misconduct only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University individuals participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, thera-

pists, clergy, doctors, attorneys, or similar resources; nor does it prevent either party from discussing the incident itself.

## ADVISORS

The Complainant and the Respondent, respectively, may be accompanied to any meeting or hearing by the advisor of their choice through the course of case management, investigation, adjudication, and the appeal process. Witnesses or others involved in the Gender-Based Misconduct Process are not permitted to bring another person to any meeting or hearing.

Advisors may support the student and provide advice during an investigation and throughout the process. Although students are not required to bring their advisor to all meetings, they are expected to maintain the same, single advisor throughout the process unless there are extenuating circumstances that require them to obtain a replacement. This use of a single, consistent advisor enables the process to move forward in an efficient fashion. In the event that students want to make a permanent change to their advisor, they must provide written notice to their case manager.

During meetings and hearings, the advisor may talk quietly with the student or pass notes in a nondisruptive manner. The advisor may not intervene in a meeting or hearing or address the investigator or hearing panel, including by giving evidence, questioning witnesses or making objections. While advisors may provide guidance and assistance, all written submissions must be authored by the student.

All University administrators, including the Gender-Based Misconduct Office staff, will communicate directly with the student, rather than with the advisor. It is the student's responsibility to communicate with their advisor, including but not limited to information related to scheduling and process updates.

Advisors will be expected to sign an agreement to maintain the guidelines just discussed. If an advisor fails to abide by such guidelines, he/she may be prohibited from attending ongoing or future meetings.

A Complainant or Respondent may choose to have an attorney serve as his or her advisor. University students may retain counsel independently or the University will arrange for an attorney-advisor upon request. The designated attorney-advisor will be provided at no cost to the University student. Once an attorney-advisor is assigned by the University, the student may

not request a different attorney-advisor from the University, but may make another advisor selection if he/she chooses. If the University is requested to arrange for an attorney-advisor for either the Complainant or Respondent, it will notify the other party and upon request arrange for an attorney-advisor.

## DECLINING TO PARTICIPATE

The Gender-Based Misconduct Office will make multiple efforts to engage the participation of the Complainant and/or Respondent in the process; however, either party may decline to participate in any step of this process, including the investigation, hearing, and/or any subsequent appeal. Declining to schedule a meeting with investigators or refusal to respond to outreach by the Office may preclude or limit participation in later stages of the process, as explained below. Silence or a decision not to participate will not be treated as a negative factor in the investigation, adjudication, or appeal.

The University may continue the process without the Complainant's and/or Respondent's participation. A refusal to participate during the investigation stage of the process will preclude a Complainant or Respondent from submitting new information to the hearing panel or appellate panel, absent extraordinary circumstances; however, the Complainant or Respondent may submit an impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process. Even if a party declines to participate, the Office will continue to update each party throughout the process, unless a party submits a written request to the Office to cease contact.

## TIME FRAMES

The University will seek to resolve every report of gender-based misconduct within approximately sixty calendar days of an initial report, not counting any appeal. This time frame may be extended for Alternate Resolution, Mediation, Pre-determination Conference, and/or good cause as necessary to ensure the integrity and completeness of this process. The reasons for extension of the time frame also include, but are not limited, to: compliance with a request by law enforcement; accommodation of the availability of witnesses; accounting for exam periods, school breaks or vacations; and/or accounting for complexities of a specific case, including the number of witnesses and volume of information provided by the parties. The Office will notify the parties in writing of the extensions of the time frame.



Generally, the timeline will be as follows (calculated in calendar days). To the extent a deadline is calculated in calendar days and falls on a weekend or University holiday, the deadline will be effective on the next business day:

- Investigation begins within 3 days after the initial report to the Office
- Investigation is completed within 21 days after the investigation begins
- Investigative Report is completed within 10 days after the investigation concludes
- Pre-Determination Conference is held within 10 days after the Investigative Report is complete
- Hearing (if any) is held within 10 days after the Investigative Report is complete
- Determination of the hearing panel is issued within 3 days after the hearing
- Notice of sanctions is issued within 3 days after the determination of the hearing panel
- Appeals are due from either party within 7 days after the sanctions are issued
- Notice of a filed appeal, if applicable, is due within 3 days after receipt by the Office
- Review and response to an appeal is due within 5 days after the notice of appeal is issued
- Decision by the appellate panel is due within 15 days after the notice of filing of appeals

Each of these stages is explained in greater detail below.

## NOTICE

The Office will provide notification ("notice") in writing to both the Complainant and Respondent at many points in the process, depending on the stage of the process and needs of the student. Notification from the Office will be sent via University e-mail and may include information, such as: a written explanation of the alleged policy violation(s), Complainants' and Respondents' rights and options, interim measures, available accommodations, initiation of an investigation, and the range of possible sanctions. The Office will also ensure that the Complainant and Respondent are updated throughout the in-

vestigative process, including with timely notice of meetings in which either or both the Complainant and the Respondent may participate.

More specifically, the Complainant and Respondent will simultaneously be given the following written notices:

### ▪ Initiation of an Investigation

- o Notice of the allegations and an explanation of the investigative process. This notice will include the names of the case manager and investigators assigned to this matter, as well as a scheduled date and time for each person's initial meeting related to the matter

### ▪ Conclusion of the Investigation

- o Notice of an opportunity to review, in the Office, the Investigative Report and any other information that will be used in the hearing process, sanctions determination, and appeals, if any, consistent with federal law governing the privacy of student information
- o Notice of the alleged policy violations that will be adjudicated

### ▪ Pre-Determination Conference

- o Notice of an opportunity to meet with the investigative team to discuss the information obtained during the investigation and submit any additional information and/or clarification
- o Notice of whether the Respondent accepts responsibility for violating the Policy

### ▪ Hearing Panel

- o Notice of the date and time of any hearing and list of hearing panel members
- o Notice of an opportunity to review, in the Office, the Investigative Report and the investigative team's recommendation of responsibility

### ▪ Finding

- o Notice of the hearing panel's finding of "responsible" or "not responsible," along with the rationale for the outcome

### ▪ Sanctioning

- o Notice of the sanctions imposed and the reasons for the sanctions

- o Notice of the University's appeals process

#### ▪ Appeals Process

- o Notice of whether an appeal has been filed and an opportunity to review and respond to the other party's appeal
- o Notice of the Deans assigned to the appellate panel
- o Notice of the appellate panel's determination, including whether the responsibility determination or sanctions have been modified and when the responsibility determination and sanctions, if any, become final

### CONFLICTS OF INTEREST

The University requires any individual participating in the investigation, hearing process, sanctioning or appeal determinations to disclose to the Gender-Based Misconduct Office any potential or actual conflict of interest. If a Complainant or Respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Office that the individual not participate. A Complainant or Respondent who believes that a member of a hearing or appellate panel has a conflict of interest must submit this written request to the Office within two days after notification of the panel's membership. Any request should include a description of the conflict. If the Office determines that a conflict of interest exists, the University will take steps to address the conflict in order to ensure an impartial process.

### Investigation and Adjudication Process

The Office is charged with investigating reports of violations of the Gender-Based Misconduct Policy for Students. During the investigation, the Complainant and the Respondent have an opportunity to make statements, present witnesses and provide other evidence. Because every case is different, the Office tailors each investigation to the specific facts of the case while maintaining a meaningful opportunity to be heard for all parties.

#### INITIAL ASSESSMENT OF COMPLAINTS

The Office initiates the investigative process when it receives a complaint or report of a violation of this Policy and there is adequate information to pursue an investigation. The Office will conduct an initial assessment and may take any of the following actions:

- The Office may dismiss the complaint if it determines that the complaint does not allege facts that, if substantiated, would constitute a violation of the Policy
- The Office may refer the complaint to another office for review if it determines that the complaint is outside the scope of this Policy
- The Office will determine appropriate interim measures, facilitate accommodations, and initiate an investigation if it determines that the complaint or report would, if substantiated, constitute a violation of the Policy

### INVESTIGATION

The University will notify the Complainant and the Respondent, in writing, when a report has been filed and an investigation will proceed. The notice will describe the allegations in the report and include a scheduled date and time to meet separately with the Gender-Based Misconduct Office. The Complainant and the Respondent must respond, confirming receipt of the notice and scheduled meeting time, within two days of receiving this notice. Requests to postpone meetings and interviews may be granted, provided that the request is based on a compelling reason. Where possible, Complainants and Respondents should request a postponement at least 24 hours before the scheduled meeting or interview.

During any meeting, interview and/or hearing, the Complainant and Respondent may bring an advisor. If the Complainant, Respondent, or advisor is unable to be physically present for any stage of the investigative process, accommodations will be made for their participation by other means.

The University's process for responding to, investigating and adjudicating gender-based misconduct reports will ordinarily continue during any law enforcement proceeding. The Gender-Based Misconduct Office may need to temporarily delay an investigation while the police are gathering evidence, generally no longer than ten days, except when law enforcement specifically requests and justifies a longer delay. The Office will resume the investigation after learning that law enforcement no longer requires a delay or has completed the evidence-gathering stage of their investigation. The Office will not wait for the conclusion of any related criminal proceeding.

### Requests Not to Investigate

The Office will inform the Complainant before starting an investigation and the Complainant may request that an investigation not be undertaken. The Office, in consultation with the appropriate Title IX Coordinator(s), will consider such a request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and weigh the following factors:

- Circumstances that suggest there is a risk of the Respondent committing additional acts of gender-based misconduct, such as:
  - o Whether there have been other gender-based misconduct complaints and/or escalation of previously known conduct by the same Respondent
  - o Whether the Respondent has threatened further gender-based misconduct against the Complainant or others
  - o Circumstances that suggest there is an increased risk of similar future acts of gender-based misconduct
- Whether the alleged gender-based misconduct was committed by multiple perpetrators
- Whether there was use of a weapon or force in connection with the gender-based misconduct
- Whether the University possesses other means to obtain relevant evidence, such as security cameras, witnesses and/or physical evidence
- If the Complainant is under 17 years old

If the Office determines not to investigate, it will notify the Complainant in writing, including that the determination was made at the Complainant's request. At the Complainant's written request, the Office will also notify the Respondent in writing, including that the Complainant asked the University not to investigate.

### Investigation Procedures

The Office will designate a two-person team ("the investigative team") to conduct an investigation into whether a violation of the Policy occurred. All investigators will have extensive training in investigating and evaluating conduct prohibited under the Policy. The investigative team will be impartial and unbiased.

The parties will meet separately with the investigative team. At the initial meeting, the investigative team will discuss with each party the nature of the allegations, the rights and responsibilities of each party, the prohibition against retaliation, and the adjudication process. The Complainant, the Respondent, advisors, and all witnesses will be required to agree in writing not to engage in retaliation against any participant in the process and not to record or photograph anything related to this investigation and adjudication process.

The investigative team will ask each party to provide a list of witnesses and/or any relevant documents or evidence. The investigative team has the discretion to determine the relevance of any proffered evidence and determine that certain types of evidence should be included or excluded in the determination of responsibility. The Complainant and Respondent must provide to the investigative team any relevant and available evidence they wish to be included.

The following protocols apply throughout the investigative process:

- o **Statements.** All parties and witnesses are obligated to be honest and act in good faith. Any person who knowingly makes a false statement in connection with the investigation may be subject to separate disciplinary action.
- o **Preserving Evidence.** The investigative team will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence. Examples include, but are not limited to, electronic messages (e.g., e-mails, text messages and Facebook and Instagram messages, writings and photographs).
- o **Witnesses.** The Complainant and the Respondent have the right to identify any individuals who may be witnesses to the conduct alleged. The parties should be aware it is possible for both the Respondent and the Complainant to list the same people as witnesses. Any attempt to threaten, intimidate or otherwise improperly influence the testimony of a witness may result in a disciplinary action. The investigative team will attempt to contact and interview any witnesses identified by the parties and any other witness the investigative team deems to have relevant information. The investigative team will not interview witnesses whose sole purpose is to provide character information.

- o **Romantic or Sexual History in Sexual Assault Cases.** The investigative team will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent with other people. Either the Complainant or the Respondent may provide information regarding their shared romantic or sexual history. If either offers such information, the other will be notified and have the right to respond.
- o **Mental Health Treatment/Diagnosis.** Each party has the right to request that evidence regarding his or her mental health diagnosis and/or treatment be excluded from consideration when responsibility is being determined.
- o **Prior Conduct Violations.** Prior reports or determinations of responsibility for gender-based misconduct will not be considered in determinations of responsibility (see below) and will therefore not be addressed in an investigative report. Prior determinations of responsibility for allegations of the same type of gender-based misconduct may be admissible in the sanctioning stage of the process.
- o **Credibility Assessment.** The investigative team will use the following factors when assessing the credibility of parties and the witnesses: the consistency or inconsistency of their accounts of events over time; their demeanor during interviews; their motive to lie; any corroborating evidence; and whether their statements included specific details that were reasonable and logical.

At the conclusion of the investigation, the investigative team will provide to the Complainant and the Respondent, in writing, a description of the alleged Policy violations that will be reviewed by the hearing panel. The investigative team will prepare a report based on interview summaries, witness statements and other documents.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the investigative team will redact names and other identifying information of other students from the report and related materials, except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

The Office will supervise the review of the report by the Complainant, Respondent, and/or their respective advisors and ensure that reasonable time is afforded for review.

## PRE-DETERMINATION CONFERENCE

After the Complainant and the Respondent have had an opportunity to review the investigative report and related materials, each party will individually meet with the investigative team for a pre-determination conference. During the conference, the investigative team will ask each party if they would like to provide additional information or clarification. The investigative team will also discuss with each party the possible resolutions to the investigation, as applicable, which are discussed in detail following this section. Reports of sexual assault cannot be resolved through alternate resolution or mediation.

If all parties are unable to agree on an alternate resolution or mediation or if the report includes allegations of sexual assault, the investigative team will ask the Respondent to respond in writing to the alleged violation in one of the following ways: (1) Responsible; (2) Not Responsible; (3) No Contest; or (4) No Response.

If the Respondent declines responsibility or chooses not to respond, the investigative team will finalize the investigative report, which will include any additional, relevant information provided during the pre-determination conference, an assessment of individual credibility and a recommended finding regarding responsibility.

If the Respondent accepts responsibility or responds No Contest at this stage, the Respondent will enter into a disciplinary action agreement and the matter will be referred to the Sanctioning Officer. The Office will provide both the Complainant and the Respondent an opportunity to make an impact statement (a statement describing the way in which the matter has impacted either of the students) to be considered by the Sanctioning Officer. The Sanctioning Officer will impose a sanction in consultation with the Office after a review of the impact statement and investigative report. The Respondent will sign a disciplinary action agreement constituting a waiver of the right to a hearing and any appeal, and an acceptance of the finding(s) and sanction(s).

## RESOLUTIONS

The Office provides a disciplinary process in an academic setting. The University's gender-based misconduct process offers several options for resolution of reports, other than for sexual assault reports, which must be resolved through the investiga-

tion/hearing process. The Office will serve as the final arbiter for the resolution of an investigation. The possible forms of resolution include alternate resolution, mediation, and/or hearing.

### **Alternate Resolution**

The Office may seek to resolve certain gender-based misconduct cases through an informal alternate-resolution process involving both the Complainant and the Respondent. (For example, the Complainant and the Respondent may agree with the Office that education, training, and a no-contact directive are an appropriate and sufficient response in a particular case). At any time after a report has been filed and before a hearing has been scheduled, either party may request alternate resolution to resolve the report. This disposition requires agreement of the Complainant and the Respondent, with the approval of the Office. If the Office approves such a request, the investigation and the time frames will be stayed, and the investigative team will take appropriate steps to assist in reaching a resolution. If the parties cannot reach an alternate resolution within two weeks after one is proposed, the investigation will resume in accordance with the Policy. If an agreement acceptable to all parties is reached through alternate resolution, the matter is considered closed and the terms will be implemented. The University will not use alternate resolution for cases involving allegations of sexual assault.

### **Mediation**

A party may request mediation from the Office at any stage of the process. The purpose of mediation is for Complainants and Respondents to identify the harms that were caused by a student's actions and meet to determine the best method for repairing those harms. The Complainant and Respondent will be asked not to contact each other to discuss mediation. Mediation will be used only with the consent of both the Complainant and Respondent, and either has the right to terminate the mediation process and resume the regular disciplinary process at any time.

The mediation process will typically commence within ten days after consent to mediate is received from both the Complainant and the Respondent and will continue until concluded or terminated by either the Complainant or the Respondent or the Office. During mediation, the investigation and time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the disciplinary process will

proceed. The University will not use mediation for cases involving allegations of sexual assault.

During mediation, a facilitator will guide a discussion between the Complainant and the Respondent, with the goal of identifying the harm caused by the offense and how the harm can be repaired. Together the Complainant, the Respondent, and the facilitator create an agreement that might include items such as apology letters, agreement to a no-contact directive and/or restriction of access, and education related to the offense. The content of the agreement is created on a case-by-case basis, and students are supported in creating their own agreements.

### **ADJUDICATION PROCESS/HEARING PANEL**

If the matter is not resolved by alternate resolution, mediation, or the pre-determination conference, the Office will convene a hearing panel. The hearing panel determines whether the Respondent is responsible or not responsible for a violation of the Policy. If the Respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally have three members drawn from specially trained administrators within the University's Student Conduct and Community Standards Office, excluding the investigative team. All panelists will receive relevant training at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction on how to approach students about sensitive issues that may arise in the context of alleged gender-based misconduct. The Complainant and Respondent will be informed of the panel's membership before the hearing process begins.

### **Preparing for the Hearing**

In preparation for the hearing, the Complainant and the Respondent should each schedule a file review, and in consultation with their advisor, if they have one, prepare a written statement in response to the investigative report and questions and/or concerns raised during the pre-determination conference.

The written statement must be completed by the student and be no more than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins. The written statement must be submitted to the Office no less than two days prior to the scheduled hearing.

In addition, during the hearing, either party has the opportunity to submit questions to the hearing panel to be asked of the oth-

er party and/or witnesses. Questions should be submitted that highlight arguments the party wants to make; they should not be used to have the other party and/or witnesses retell details of the alleged incident. Each party may also submit an impact statement at the time of the hearing, which will not be considered until the sanctioning stage, if applicable.

### Hearing Procedures

The Office, whenever possible, will give the Complainant and the Respondent at least five days advance notice of the hearing. The hearing is a closed proceeding; no one other than the hearing panel members, the Respondent and the Complainant and their respective advisors, witnesses (when called), and necessary University personnel may be present in the hearing room or rooms during the proceeding. If a party is unable to appear at the Office for the hearing, accommodations may be made for the party's appearance by other means. Requests to postpone the hearing may be granted at the discretion of the Office based on a compelling reason. Where possible, parties and witnesses should make a postponement request 24 hours prior to the time of the hearing.

Both the Complainant and the Respondent are afforded the opportunity to participate in the hearing. They will be placed in separate rooms for the duration of the hearing and may view the proceedings via closed circuit screens. When it is their turn to appear before the hearing panel, the Complainant, the Respondent, and/or witnesses will appear individually before the panel. Their advisor can also be present in the room. Questions may be posed through the hearing panel, to better clarify or understand the allegations. In general, hearings will proceed as follows:

- Complainant's brief narrative statement
- Respondent's brief narrative statement
- Questions to the Complainant by the hearing panel
- Questions to the Respondent by the hearing panel
- Questions to the witnesses by the hearing panel
- Recall by the hearing panel of any party or witness, for additional questions or clarifications
- Questions to the investigative team by the hearing panel if necessary

- Closing statement by the Respondent
- Closing statement by the Complainant

In cases where either the Complainant or Respondent opts not to participate in the hearing, the hearing panel may still hear from the other.

### Additional hearing rules include:

- **Testimony via Closed-Circuit Television.** Only the person testifying (and that person's advisor, if applicable) is in the hearing room with the panelists and necessary administrator(s) during his or her testimony. The Complainant and Respondent will each have the opportunity to view and listen to the testimony from a separate, private room via closed-circuit television.
- **Questioning.** Only the hearing panel may ask questions of the Complainant, Respondent, and/or any witnesses. Both the Complainant and Respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the hearing panel in writing. The hearing panel may revise or not ask any or all submitted questions.
- **Information Regarding Romantic or Sexual History.** The hearing panel will not consider the romantic or sexual history of either the Complainant or Respondent in cases involving allegations of gender-based misconduct, except for testimony offered by one or the other about the Complainant and Respondent's shared sexual history that the hearing panel deems relevant. If such information is offered by the Complainant or Respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the Complainant and Respondent by itself does not support an inference of consent to alleged sexual or gender-based conduct.
- **Prior Conduct Violations.** In cases involving allegations of sexual assault, nonconsensual sexual contact, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment and sexual exploitation, prior findings of responsibility for allegations of the same will not be considered by the hearing panel.
- **Cell Phones and Recording Devices.** Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.



## Determining Responsibility

Following the investigation and conclusion of the hearing, the hearing panel will render a determination on whether the student is responsible for the violation(s).

The hearing panel will use “preponderance of the evidence” as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a hearing panel must be convinced based on the evidence that the Respondent was more likely than not to have engaged in the conduct at issue.

The hearing panel will find a student responsible or not responsible, based on a majority vote, after a review of all the statements and evidence summarized in the investigative report, the written statements submitted by the Complainant and the Respondent, and the statements, testimony, and evidence at the hearing. The hearing panel will generally render a decision within three calendar days after the conclusion of a hearing and will include an explanation of the basis for the decision.

If the hearing panel finds the Respondent responsible, the matter will proceed to the sanctions stage. The Office will transmit the hearing panel’s determination to the Sanctioning Officer (described below) of the Respondent’s school, and to the Respondent and the Complainant.

## Sanctions and Other Remedies

### How Sanctions Are Determined

In determining a sanction, the Sanctioning Officer of the Respondent’s school, after consultation with the Student Conduct and Community Standards Office, will impose sanctions that are:

- Fair and appropriate, given the facts of the particular case
- Consistent with the University’s handling of similar cases
- Adequate to protect the safety of the campus community
- Reflective of the seriousness of gender-based misconduct

When a student is found responsible for a policy violation, relevant factors will be considered when imposing a sanction, including, if applicable: (1) the specific gender-based misconduct at issue (such as penetration, touching under clothing,

touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent’s state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent’s prior disciplinary history; and (6) the safety of the University community.

In addition, prior to the conclusion of the hearing and imposition of a sanction, both the Complainant and the Respondent may provide a written impact statement discussing how the misconduct contained in the investigative report has impacted them. The written statement must be completed by the student and be no more than three single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins. The statement will only be considered by a Sanctioning Officer if the hearing panel renders a finding of responsibility.

The Sanctioning Officer from the Respondent’s school, in consultation with the Student Conduct and Community Standards Office, will render a sanctioning decision within three (3) calendar days following the receipt of the hearing panel’s determination. The sanctioning decision will be communicated in writing to the Complainant and the Respondent, with a rationale for the sanction.

### List of Sanctions

The University may impose one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the Respondent’s academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting access to University facilities or activities (including student activities and campus organizations)
- Removal from leadership/supervisory positions within the University community
- Issuing a “no contact” order to the Respondent or requiring that such an order remain in place
- Moving the Respondent’s residence
- Dismissal or restriction from University employment

- Removal from student housing
- Suspension
- Expulsion
- Revocation of degree

In addition to any other sanction (except where the sanction is expulsion or revocation of a degree), the University will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the gender-based misconduct at issue. The University may also recommend counseling or other support services for the student.

When a student is found responsible, and the sanction includes suspension or expulsion, the student may be removed from a campus residence and either severely restricted in their movements on campus or barred completely during the entirety of the appeal-filing period and appeal process. If a Respondent is eligible for return to campus while a Complainant remains on campus, the Complainant will, at the earliest possible date, be notified in writing of the Respondent's intention to return.

In addition, pending an investigation, a determination and/or appeal, an administrative hold may be placed on the Respondent's University transcript, diploma, registration, and/or student account until this process is resolved. Upon conclusion of the appeal process, a permanent transcript notation will be indicated on the record for cases resulting in suspension or expulsion.

#### **ONGOING ACCOMMODATIONS FOR COMPLAINANT**

Whatever the outcome of the Gender-Based Misconduct Process, a Complainant may request ongoing or additional accommodations, and the Office, in consultation with the designated student affairs officer of the Complainant's school, will determine whether such measures are appropriate. Potential accommodations include:

- Providing an escort for the Complainant
- Moving the Complainant's residence
- Changing the Complainant's academic schedule
- Adjusting the Complainant's work schedule
- Allowing the Complainant to withdraw from or retake a class without penalty

- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

#### **Additional Responses**

The University may also determine that additional measures are appropriate to respond to the effects of an incident on the University community. Additional responses for the benefit of the University community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of the University's policies on gender-based misconduct
- Climate surveys regarding gender-based misconduct

#### **Appeal Process**

Either the Respondent or the Complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by an appellate panel consisting of three Deans of schools: the Dean of the Respondent's school, the Dean of the Complainant's school, and a Dean from another school. Should the Complainant and the Respondent attend the same school, two Deans will be added from other schools as follows: (1) if the parties are undergraduates, Deans from undergraduate schools will comprise the majority or entire panel; (2) if the parties are graduate students, Deans from graduate schools will comprise the majority or entire panel. Should one party be an undergraduate student and another party a graduate student, the appellate panel will consist of the Dean of the Respondent's school, the Dean of the Complainant's school, and a Dean of a school from the academic level of the Respondent. All Deans will receive relevant training at least once a year on how the adjudicatory and appeal process works and the sensitive issues in reviewing gender-based misconduct cases. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction
3. Excessiveness or insufficiency of the sanction



Disagreement with the finding or sanctions is not, by itself, a ground for appeals. Moreover, the purpose of an appeal is not to initiate a review of substantive issues of fact.

Both the Complainant and/or the Respondent may appeal the determination and/or sanction within seven days after receipt of the finding and sanctioning notice, by filing the appeal in writing to the Gender-Based Misconduct Office. Attached to their appeal, the student may provide a written submission for the appellate panel to review, no longer than, including attachments, five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins.

If either the Complainant or the Respondent submits an appeal, the Office will notify the other party within three days after receipt. The Office will provide the other party an opportunity to review the submission and submit a written response. This response must be written by the student, no more than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins, and submitted within five days after a notice of appeal is issued. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently. In making a determination, the appellate panel will have access and the ability to review the complete file.

If the appellate panel concludes that a change in the hearing panel's determination is warranted, the appellate panel may enter a revised determination, reconvene the hearing panel to reconsider the determination, or return the matter for additional investigation. The appellate panel can also change the sanction.

The appellate panel will notify the Complainant and the Respondent of the final decision in writing. Appeal decisions will be rendered within fifteen days after the receipt of the written appeal. All appeal decisions are final.

## **RECORDS DISCLOSURE**

Disciplinary proceedings conducted by the University are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may

be subpoenaed by law enforcement authorities as part of a parallel or subsequent investigation into the same conduct, or required to be produced through other compulsory legal processes.

Additional information about FERPA can be found in Essential Policies for the Columbia Community at <http://www.essential-policies.columbia.edu/policy-access-student-records-ferpa>, <http://barnard.edu/Policy/FERPA> and [www.tc.edu/policylibrary/FERPA](http://www.tc.edu/policylibrary/FERPA).

## **AMENDMENTS**

The University may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the University to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

## NYS STUDENTS' BILL OF RIGHTS

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New York State law requires that all institutions of higher education in New York publish the following Bill of Rights for all students attending higher education institutions in the State.

**All students have the right to:**

1. Make a report to local law enforcement and/or state police
2. Have disclosures of domestic violence, dating violence, harassment, stalking, sexual exploitation, sexual assault, and retaliation treated seriously
3. Make a decision about whether or not to disclose a crime or violation and participate in the University gender-based misconduct process and/or criminal justice process free from pressure by the University
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
5. Be treated with dignity and to receive from the University courteous, fair, and respectful health care and counseling services, where available
6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident
8. Be protected from retaliation by the University, any student, the accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University
9. Access to at least one level of appeal of a determination
10. Be accompanied by an advisor of choice who may assist and advise a Complainant, accused, or Respondent through the judicial or conduct process included during all meetings and hearings related to such process
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the University

## STUDENT CONDUCT AND COMMUNITY STANDARDS

resource guide for students involved in gender-based misconduct

### ON-CAMPUS RESOURCES

The University Health Services Student Fee covers the on-campus resources that are available to students enrolled in their school's health service program. Services are available during normal business hours, 9:00 a.m.- 5:00 p.m., unless otherwise noted.

#### CONFIDENTIAL

##### University Advocacy and Crisis Counseling

##### Sexual Violence Response & Rape Crisis/Anti-Violence Support Center

212-854-HELP (4357) | 24-hour (365 days/year)

##### Morningside Campus

2920 Broadway, Suite 700, Alfred Lerner Hall

##### Columbia University Medical Center (CUMC)

60 Haven Ave., Bard Hall, Suite 206

##### Barnard College

3009 Broadway, Hewitt Hall, Suite 105

##### Ombuds Office

##### Columbia University

660 Schermerhorn Ext. | 212-854-1234

154 Haven Ave., Room 412 | 212-304-7026

##### Teachers College

[www.tc.edu/ombuds\\_office](http://www.tc.edu/ombuds_office)

212-678-4016 or 212-678-4169

##### Medical Services

##### Columbia-Morningside\*

John Jay|212-854-9797 | 9 am-4:30 pm

##### Columbia-Medical Center

60 Haven Ave., Suite B234 | 212-305-3400 | 24 hours

##### Barnard

Lower Level Brooks Hall | 877-941-1695 | 9 am-4 pm

*The medical treatment resources listed above can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specially trained to collect evidence. Taking these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a protective order.*

#### ADDITIONAL RESOURCES (NON-CONFIDENTIAL)

##### Gender-Based Misconduct within the Student Conduct and Community Standards Office ("the Office")

Jeri Henry, Associate Vice President

[jerihenry@columbia.edu](mailto:jerihenry@columbia.edu) | 212- 854-1389

Case Management and Community Engagement

[conductcm@columbia.edu](mailto:conductcm@columbia.edu) | 212-854-1717

##### University Title IX Coordinators

##### Columbia University

Melissa Rooker, Associate Provost

Office of Equal Opportunity and Affirmative Action

[mrooker@columbia.edu](mailto:mrooker@columbia.edu) | 103 Low Library

212-854-5918

##### Barnard College

Amy Zavadil, Associate Dean for Equity

[azavadil@barnard.edu](mailto:azavadil@barnard.edu) | 105 Milbank Hall

212-854-0037

##### Teachers College

Janice Robinson, Vice President, Diversity and Community Affairs

[jrobinson@tc.edu](mailto:jrobinson@tc.edu) | 128 Zankel | 212-678-3391

##### University Public Safety

**Columbia-Morningside** 212-854-5555 | 24-hour

**CUMC** 212-305-7979 | 24-hour

**Barnard College** 212-854-3362 | 24-hour

**Teachers College** 212-678-3333 | 24-hour

##### International Students and Scholars Office (ISSO)

524 Riverside Drive, 1st Floor | 212-854-3362

<http://www.columbia.edu/cu/isso/isso.html>

## STUDENT CONDUCT AND COMMUNITY STANDARDS

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#### CONFIDENTIAL

##### University Mental Health and Pastoral Counseling

##### Counseling and Psychological Services

##### Columbia-Morningside\*

Alfred Lerner Hall, Suite 800 | 212-854-2878

##### Columbia-Medical Center

60 Haven Ave., Bard Hall | 212-305-3400 by *appointment only*

##### Barnard

Furman Counseling Center | 212-854-2092

After hours 877-941-1695

##### Office of the University Chaplain (Ordained Clergy)

Earl Hall | 212-854-6242

\*Includes Teachers College

#### ADDITIONAL RESOURCES (NON-CONFIDENTIAL)

##### Requesting Accommodations for a Disability

Students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of gender-based misconduct may contact the Office or the office responsible for disability services at their institution, as listed below.

##### Columbia Office of Disability Services

Alfred Lerner Hall | 212- 854-2388

<http://www.health.columbia.edu/ods>

##### Barnard Office of Disability Services

Milbank Hall | 212-854-4634

<http://www.barnard.edu/ods>

##### Teachers College Office of Access and Services for Individuals with Disabilities

163 Thorndike Hall | 212-678-3689

<http://www.tc.columbia.edu/oasid>

## STUDENT CONDUCT AND COMMUNITY STANDARDS

resource guide for students involved in gender-based misconduct

### OFF-CAMPUS RESOURCES\*\*

Unless otherwise noted, all facilities listed below are available 24 hours a day.

◆ indicates facilities that are not available 24 hours a day.

\*\*Fees may apply.

#### Off-Campus Advocacy, Counseling and Health Services

##### **Safe Horizon**

212-523-4728

##### **Mt. Sinai St. Luke's Hospital Crime Victims Treatment Center◆**

212-523-4728 by appointment only

##### **New York-Presbyterian/CUMC Emergency Room**

212-305-6204

##### **NYC Domestic Violence Hotline** 800-621-HOPE (4673)

##### **Gay and Lesbian Anti-Violence Project**

212-714-1141

#### Neighboring Hospitals with SAFE Centers:

##### **Mt. Sinai St. Luke's Hospital (CHP Group)**

1111 Amsterdam Ave at West 113th St

##### **Roosevelt Hospital (CHP Group)**

1000 10th Ave at West 58th St

##### **Beth Israel-Petrie Campus (CHP Group)**

First Ave at E 16th St

##### **Bellevue Hospital (HHC Group)**

462 First Ave at E 27th St

##### **Harlem Hospital (HHC Group),**

506 Malcolm X Blvd at W 135th St

##### **Metropolitan Hospital Center (HHC Group)**

1901 1st Ave at 96th St

#### Off-Campus Law Enforcement

##### **New York City Police Department (NYPD)**

##### **Emergency 911**

**26th Precinct** 212-678-1311

##### **Domestic Violence & Child Abuse Hotline**

212-335-4308

##### **Sex Crimes Hotline**

212-335-9373

##### **Special Victims Bureau at the Manhattan Family Justice Center** 212-335-4300

#### Additional Government Resources

The government resources listed here may provide additional assistance for students wishing to file an external complaint of gender-based misconduct or students with inquiries regarding the application of Title IX and its implementing regulations:

##### **NYC Family Justice Center - Manhattan◆**

<http://www.nyc.gov/html/ocdv/html/help/fjc.shtml>

212-602-2800 | 80 Centre St New York, NY 10013

##### **New York State Office of Victims Services◆**

1-800-247-8035 | <https://ovs.ny.gov/>

##### **Together Against Sexual Violence◆**

<http://www.notalone.gov>

##### **U.S. Department of Education, Office for Civil Rights◆**

<http://www.ed.gov/ocr>

New York - Region II

32 Old Slip, 26th Floor New York, NY 10005 646-428-

3800 OCR.NewYork@ed.gov

## STUDENT CONDUCT AND COMMUNITY STANDARDS

resource guide for students involved in gender-based misconduct

### OFF-CAMPUS RESOURCES\*\*

Unless otherwise noted, all facilities listed below are available 24 hours a day.

▪ indicates facilities that are not available 24 hours a day.

\*\*Fees may apply.

#### Neighboring Hospitals with SAFE Centers

**Mount Sinai Medical Center (Mount Sinai),**

1 Gustave L Levy Pl (Fifth Ave) at E 98th St

**NewYork-Presbyterian - Columbia (NYP)**

622 W 168th St

**NewYork-Presbyterian - The Allen Pavilion (NYP),**

5141 Broadway at W 221th St

**NewYork-Presbyterian - Weill Cornell (NYP),**

525 East 68th St at York Ave

*Mt. Sinai St. Luke's Hospital's Emergency Room at 1111 Amsterdam Avenue (113th Street between Amsterdam and Morningside) and NewYork-Presbyterian Hospital/ CUMC Emergency Room at 630 West 168th Street (168th and Broadway) can provide treatment for injuries and for potential exposure to sexually transmitted infections, emergency contraception, and other health services. They can assist in preserving evidence or documenting any injuries and have personnel who are specially trained to collect evidence.*

#### Additional Government Resources

**U.S. Department of Justice, Office on Violence Against Women♦**

<http://www.ovw.usdoj.gov>

145 N St, NE, Suite 10W.121 Washington, D.C. 20530  
202-307-6026

See the chart on the following page for an explanation of these resources' reporting obligations.  
Up-to-date contact information can be found on the University's Sexual Respect website at  
<http://www.SexualRespect.columbia.edu>.

### CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

As a reminder, confidential resources will not share information with anyone.  
Non-confidential resources are also required to respect and protect students' privacy to the greatest extent possible and will only disclose identifying information on a need to know basis.

PERSONNEL	STATUS	REPORTING OBLIGATIONS
University Chaplains (Ordained Clergy)	Confidential	None, unless acting in a role described below.
Counseling and Psychological Services	Confidential	<p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource must report to County Mental Health officials. (NY Mental Hygiene Law)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will report to the requisite state officials. (NY Social Services Law)</p>
Sexual Violence Re- sponse & Rape Crisis/ Anti-Violence Support Center	Confidential	<p>This resource will report incidents on an aggregate periodic basis <b>without any identifying information</b> to the Office to enable the University to understand the existence and extent of the problem. (Title IX)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify University leadership. (NY Social Services Law)</p>
University Ombuds Office		
Physicians and Other Health Professionals	Confidential	<p>This resource will report incidents on an aggregate periodic basis <b>without any identifying information</b> to the Office to enable the University to understand the existence and extent of the problem. (Title IX)</p> <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report to New York County Mental Health officials. (NY Mental Hygiene Law)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the requisite state officials. (NY Social Services Law)</p>
Gender-Based Misconduct Office (within Student Conduct and Community Standards- "the Office")	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, this resource will investigate and respond to reported gender-based misconduct incidents. (Title IX)</p> <p>If the incident may be a crime, this resource will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning. (Clery Act)</p>
Title IX Coordinators		
		This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.

**CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS**

As a reminder, confidential resources will not share information with anyone.  
Non-confidential resources are also required to respect and protect students' privacy to the greatest extent possible and will only disclose identifying information on a need to know basis.

PERSONNEL	STATUS	REPORTING OBLIGATIONS
Public Safety Personnel	Not Confidential	<p>Public Safety will report to the Office all information received about gender-based misconduct incidents so the University can investigate and respond. (Title IX)</p> <p>If the incident may be a crime, Public Safety will include it in a crime log and annual crime statistics without identifying the alleged victim. (Clery Act)</p> <p>If the incident may be a crime and poses a serious or continuing threat, Public Safety will issue an emergency notification or timely warning. (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, Public Safety will notify University leadership. (NY Social Services Law)</p> <p>Public Safety will share information with University personnel who need to know it in order to carry out University policies and procedures</p>
Other University Personnel	Not Confidential	<p>Will report to the Office all information received about gender-based misconduct incidents so the University can investigate and respond. (Title IX)</p> <p>If the incident may be a crime, a "campus security authority" will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning. (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, other University personnel will notify University leadership. (NY Social Services Law)</p> <p>Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>